



# HOUSE OF REPRESENTATIVES

SB 1286

internet sex offender website; offenses  
Prime Sponsor: Senator Kavanagh, LD 23

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**DPA** Committee on Judiciary

**DPA** Caucus and COW

**X** As Transmitted to the Governor

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## **OVERVIEW**

SB 1286 adds persons convicted of specific offenses to the Arizona Department of Public Safety's (ADPS) internet sex offender website (website).

## **PROVISIONS**

1. Adds any person convicted or adjudicated guilty except insane (GEI) of the following completed offenses to the website:
  - a. Sexual assault ([A.R.S. § 13-1406](#));
  - b. Commercial sexual exploitation of a minor ([A.R.S. § 13-3552](#));
  - c. Child prostitution ([A.R.S. § 13-3212](#)) offenses related to:
    - Causing a minor to engage in prostitution;
    - Using a minor for prostitution;
    - Permitting a minor under the person's custody/control to engage in prostitution;
    - Receiving any benefit for procuring or placing a minor for prostitution;
    - Financing, managing, supervising, controlling or owning prostitution activity involving a minor;
    - Transporting or financing transportation for a minor with the intent that the minor engage in prostitution;
    - Knowingly engaging in prostitution with a minor under 15 years of age;
    - Knowingly engaging in prostitution with a minor the person knows or should have known is 15, 16 or 17 years old;
  - d. Sexual exploitation of a minor ([A.R.S. § 13-3553](#)) if the offender is:
    - At least 21 years old; and
    - Sentenced under the dangerous crimes against children statute ([A.R.S. § 13-705](#)), which requires the victim to be under 15 years of age.
  - e. Any of the following if the victim is under 12 years old:
    - Sexual abuse ([A.R.S. § 13-1404](#));
    - Molestation ([A.R.S. § 13-1410](#));
    - Sexual conduct with a minor ([A.R.S. § 13-1405](#));
    - Continuous sexual abuse of a child ([A.R.S. § 13-1417](#));
    - Luring ([A.R.S. § 13-3554](#)) or aggravated luring ([A.R.S. § 13-3560](#)) of a minor for sexual exploitation;
    - Taking a child for the purpose of prostitution ([A.R.S. § 13-3206](#)).

## **SB 1286**

2. Applies these changes to all persons convicted or adjudicated GEI before, on or after the effective date.
3. Clarifies that the new offender posting requirements do not apply to offenders while they are incarcerated.
4. Requires the website to include an offender who is convicted or adjudicated GEI of the same or substantially similar offense in another state or jurisdiction.
5. States that ADPS is not required to include information on the website for the offenders who are added until July 1, 2017, if the offender was convicted before the effective date.
6. Makes technical and conforming changes.

### **CURRENT LAW**

A.R.S. Title 13, Ch. 38, Article 3 governs the registration and community notification for sex offenders in Arizona. [A.R.S. § 13-3821](#) outlines who must register as a sex offender and prescribes requirements for registration.

Separate from the act of registering as a sex offender, specific offenders are also subject to community notification as outlined in [A.R.S. § 13-3826](#). Community notification was added to Arizona statutes in 1996 through the enactment of “Megan’s Law.” Community notification was originally applied prospectively to offenders convicted after June 1, 1996. In 2004, the Legislature enacted SB 1291, which applied community notification to all registered sex offenders, regardless of when the offender was convicted ([Laws 2004, Ch. 308](#)).

To conduct community notification, first the offender is screened using a 19-point risk assessment, which results in a numerical score. The score determines if the offender will be categorized as a Level 1, Level 2 or Level 3 risk to the community. Offenders given a Level 2 or Level 3 designation are subject to community notification and they are included on the website pursuant to [A.R.S. § 13-3827](#). The website includes the offender’s name, address, age, current photograph and the offense that the offender committed. Each entry must be annually updated by ADPS.

SB 1291 made conducting the risk assessment on offenders convicted before June 1, 1996 permissive, allowing the agency with custody or supervision responsibility to conduct the risk assessment. The statute states that community notification cannot be conducted until after a risk assessment has been completed on the offender.

### **ADDITIONAL INFORMATION**

According to ADPS, there are currently 15,438 registered sex offenders in Arizona. Of those:

- 3,809 are classified as Level 1;
- 3,922 are classified as Level 2;
- 2,467 are classified as Level 3;
- 3,044 are not currently classified (juvenile adjudications not subject to notification requirements / persons who were convicted prior to 1996 and for whom a risk assessment has not been completed); and
- 2,196 have not been classified due to incarceration.

ADPS estimates that it will have to review the files for 6,853 offenders to determine if they meet the criteria to be added to the website.